

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

November 22, 2010

Chairman David Pruett called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Casasanta
Commissioner Hall
Commissioner Pane
Chairman Pruett
Commissioner Schatz
Commissioner Aieta
Commissioner Lenares

Commissioners Absent

Commissioner Carragher

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. **Petition 36-10 – 375 East Cedar Street Healthtrax, MPT of Newington LLC owner, Laurentano Sign Group, attention Robert Kuszpa, 1 Tremco Drive Terryville, CT 06798 applicant, request for Special Exception Section 6.2.4 pylon sign, B-BT Berlin Business Turnpike District.**

Robert Kuszpa: Good evening, I'm with the Laurentano Sign Group, 1 Tremco Drive, Terryville Connecticut and we're here to present a proposal for a new, larger identification sign for Healthtrax and Newington Wellness Center. First I want to clear up, we only had a day or two to file to get onto the November agenda, so our original information for the site plan was trying to place the sign in relation to the manhole that was in the grass there and on the site plan that we were given from the town, there was one septic manhole there, so we positioned our sign in relation to that. Also, it shows that there is only ten feet between the water line and the septic line, and the footing for this sign is going to be eight feet wide, to tight to squeeze between those two lines. That's why we pushed it towards the driveway, to make it safer. When we went back later on, a week later, there are actually two manhole covers. One is for the water line and one is for the septic line, and we are three feet away from the water line, not the septic line, so with that new information we moved it, the location of the sign, which now gives it the same setback that the original sign has, but we are going to move it about four feet to the east to center it between the water and sewer lines. The lines are actually fifteen feet apart instead of ten so it will fit in that area. I just wanted to clear that up.

This is what we are proposing. It looks large, but there is a reason for it. The character light on the original sign was five inches which gives you anywhere from eight tenths of a second up to about three seconds to read it, based on a forty mile hour speed limit. I think it's forty or forty-five there, people go much faster than that, but when I went to the site for the first time, I had an idea of where it was and I had a panic stop just to get into the driveway because it comes up on you so fast, the current sign is really useless. Now the new sign has eleven inch letters which gives you anywhere from about two seconds to eight seconds depending on your vision. The numbers that I have here, the eight second and four hundred and seventy-five feet distance that would be for optimum conditions, black letters on a white background, clear blue skies, twenty-twenty vision, and someone just staring at the sign, trying to make out what it says. So the actual time that someone is going to see the sign is between the two numbers, probably about four seconds which is much better than the one and a half that they have currently to recognize the sign. Again, we have placed it so that the outer edge would be even with where the current sign is. It's going to sit back farther on the property because it is larger. The support structure sits back from the face so it actually gives you more visibility for traffic entering and leaving the driveway. It is illuminated but the sign face is cut through aluminum. The only thing that lights up is the letter themselves. The rest of the sign would be dark at night.

Here are a couple of photos from each direction. One thing that we wanted to bring up about having the height of the sign that it is, if you look at this photo over here, I'm standing on the side of the road, near traffic, but if I was in a vehicle following say that van, it would completely cover that sign. By bringing the sign up higher, you will be able to see it. The road is on a curve there, and it also is cresting at that point, so you are always going to have cars in front of you, when you are driving along. Same thing going from the west. This illustrates it even better. Again, I'm standing on the side of the road, and in this picture to the left, you can't see the sign. Now we are about 500 feet from the site at this point, and the traffic in front of me blocks the sign and as you continue around the curve, it's going to continue to block the sign, until you get close enough for the sign to come out. Looking at this, the cars sit at about where the Route 15 sign is, so we have to get above that in order for you to see what is coming up on this and so the next one shows what it would look like from the 500 feet and the sign face would be about the same height as the signs on the neighboring building. The Healthtrax building sits so far back and it's worthless as identification.

Then, a sign inventory of what is on the property now. There are two small vinyl decals over the front door, at the two entrances, one for each tenant there, and combining all of the signage together, we have 211 feet proposed, where 380 is allowed in this zone. We do have the maximum height for the sign, and as far as a free standing sign goes, we are allowed 150 feet per side and we have 87 per side and if you have questions, that is all I have.

Chairman Pruet: Now, on the sign being lit, is it going to be during the operation hours, is it going to be shut down when Healthtrax closes, is it going to be lit all night?

Robert Kuszpa: I would think it would be shut down when it closes, there is no reason for identifying it then. Sometimes a bank might have it open because they have a 24 hour ATM or something, or a Laundromat where they have a twenty-four hour drop off, where they might keep the lights on, but I see no reason why they would. I don't know what the current sign does however.

Chairman Pruet: Ed, staff comments?

Ed Meehan: Just briefly, the important thing at this location is the placement of the sign to make sure that it doesn't block sight lines for cars leaving the property particularly cars that

are looking west, to take a left turn out. As the applicant mentioned, it's a very busy street. The traffic counts on the average daily traffic counts, is up in the high twenty-eight, twenty-nine thousand. Peak hour traffic in the afternoon is twelve to fourteen thousand, from 4:30 to 6:00 a lot of cars come off of the Berlin Turnpike ramp. I would agree a larger sign, maybe a different color as presented here is important. The small sign that is there now was approved back in '92, and traffic has changed, but the color of that sign and the smallness of it, it's hard to pick up. One good thing about this being a membership club, it's not like a retail business where there might be impromptu turns into the site. Once the members know where it is, they are more apt to be careful getting in here. It's just past the crest of the hill. The higher sign, sort of the inverted L-shape I think provides the sight lines that are important there, and a little higher sign would give people visibility over the roofs of vehicles that are traveling on East Cedar Street. It meets all of your dimensional requirements, area, height and square footage per side.

Chairman Pruet: Thank you. Commissioner comments? Concerns? I'm going to call the public up to see if they have any questions.

Robert Kuszpa: Could I mention one more thing about what Ed said? Besides the health club with memberships they are also affiliated with the hospital and they do a lot of physical therapy and rehab with people who are just getting out of surgery, so there are a lot of new people who are just going to go in there for a few weeks and be out of there, so it is important that they locate it.

Chairman Pruet: Okay, this is a public hearing, anybody from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak against this petition?

Dr. Stuart Calle: I'd like to speak in favor of the petition.

Chairman Pruet: Okay, why don't you come forward, state your name and address for our record.

Dr. Stuart Calle: I'm a physician in town, and I advocate Healthtrax. They do a wonderful job in the community. The signage is necessary and as a frequent driver past that area, the signage is very much appropriate. I didn't notice if they had a number on the sign, if they could put a number on the sign, that helps. I know many of our patients are always seeking, where is 365 Willard Avenue and the same for Healthtrax. Many come for physical therapy there, and other specialty needs. It's a great service to the town so I hope that the board votes on this. Thank you.

Chairman Pruet: Thank you, sir. Anyone else from the public wishing to speak? Okay, what is the opinion of the Commission to move this on forward? Okay, will close this portion of this and move it forward.

B. Petition 37-10 – 55 East Cedar Street Wayne Francis owner, Sisters of Mercy of America applicant, represented by Wayne Francis, P.O. Box 4572 Hartford, CT 06147 request for Special Exception Section 6.2.4 ground sign, B-TC Business Town Center Zone District.

Alan Bongiovanni: Member of the Commission, staff, for the record, my name is Alan Bongiovanni, Mr. Francis could not be here this evening. He is the owner of the property, the building at 55 East Cedar Street. If you recall, a few months ago I was before the Commission getting site plan approval for a change of use. Prior to Mr. Francis buying the property the use had changed from residential to office. The tenant that was in it when he

purchased the property and is still there today is the Sisters of Mercy. It's a part of a convent that does work throughout the area in support of single women, single mothers and things like that, and they have, they did not know, when they moved in, they put in a ground sign. It's there today. Our Zoning Officer, Enforcement Officer picked up that it was put in without a permit. The sign is actually three foot nine inches high, that's the ground from the top. It's eight and a quarter square feet, five feet wide, five and a half feet wide, eighteen inches high. The building is 31.4 feet wide, its frontage. They would be entitled to 31 square feet of signage there at about twenty-five percent, that's what they have. They didn't mean to do something in violation of the zoning regulations, they were unaware. We're just asking to allow the sign to stay in this location.

Chairman Pruet: Okay, thank you. Staff comments Ed?

Ed Meehan: No, this is pretty simple. When the Commission saw this for site plan approval one of the requirements was to get this existing sign permitted through the Special Exception process which is why Mr. Bongiovanni is here tonight, or remove the sign and replace it with another sign that they felt was appropriate, so he has demonstrated that this one sided sign meets your requirements.

Chairman Pruet: Very good, thank you. Commissioner comments? This is again, a public hearing. Anybody from the public wishing to speak in favor of this petition?

Rose Lyons, 46 Elton Drive: I'm quite familiar with that house as I had friends that lived there thirty years ago when it was a private residence, and I have to say that the present owners have kept it up nicely. The sign is neat and it's a lot better than some of the other signage along Cedar Street, and I hope that you would vote in favor of their request. Thank you.

Chairman Pruet: Thank you. Anyone else from the public wishing to speak, for or against this petition? What's the feeling of the Commission, to move this forward? Good, we will close this and move it forward.

C. Petition 38-10 – 1616 Willard Avenue Stonehedge Landscaping Co., Inc., applicant attention Mr. Donald Woods, Jr. SLCO Properties, LLC owner, request for Special Exception Section 6.2.4 ground sign, PD Planned Development District.

Donald Woods, 82 Ivy Lane: I'm here to request a sign. We have an existing sign that is outdated and is pretty much in need of repair, we're looking to put up a larger sign with a reader board to promote any business activity that we might have at the garden center. Even though we have been there since I believe, '76 when we first came to Willard Avenue, it is amazing how many people just believe it is a landscape operation, not a retail garden center. With the new sign, it's much larger, but well within the limits of what we are allowed. We have the capabilities of notifying the public that we are a garden center by offering information to that point. I did speak to all of the neighbors of the abutting property, basically nobody had any issues except one. Her issue was not with the sign, it was a misunderstanding that she interpreted a conversation with my dad thirty years ago that we would not access the property from Willard Avenue, but we would access the property from Stanwell, which would mean going across property that we don't own, and crossing a brook to get to our property. Outside of that, nobody indicated an issue with the sign.

Chairman Pruet: How will it be lit, and how will you promote your advertising?

Donald Woods: The, this portion of the sign is electronic. It would be lit during normal operational hours, not overnight. I have no intentions of having it on overnight, so only during normal business operations. There would be soffit lights here, shining down on our name, and that would be the same thing, we would, that would be lit during operational hours only. I'm not looking to have it lit 24/7.

Chairman Pruet: How often would you be changing the sign?

Donald Woods: Sometime we wouldn't change it for a week or more, but I would not want to limit it to that. I would want to be able to change it at least once a day if so needed. The sign doesn't flash, it doesn't rotate, it doesn't spin and there would be no revolving messages. I'm just looking to post a single message, I'll just say, geraniums, \$4.99. That's it. I'm not saying that is the only thing that I'll post. That's just an example.

Chairman Pruet: Okay, good. Staff comments, Ed?

Ed Meehan: Okay, I'll deal with the pretty straight forward ones first, and that has to deal with the location which is being proposed. If you remember the frontage of Stonehedge now, they have a V-shaped sign which is about forty, or forty-five feet back from the edge of the road, behind the property line. The sign that Mr. Woods is presenting tonight is about thirty-seven, thirty-eight feet back from the edge of road, behind the property line, so it's a little bit closer to the street. It meets the dimensional requirements for the height, it's only eight and a half feet high, it's definitely, it's not a pylon, it's a ground sign. The display area, as you can see in the presentation that has been handed out is really two parts to the sign. There's the Stonehedge logo landscaping center which is at the top of the crest, and then the reader board and the two dimensions together, thirty-nine square feet per side total seventy-eight. Overall on this property you can do up to 180 square feet of signage, so this is under that. I don't know, I think Mr. Woods needs to tell us what is on the wall signage on the building. I believe there used to be a sign on the silo?

Donald Woods: No.

Ed Meehan: Is there any wall signage?

Donald Woods: There is only one, there is a carriage shed where they store bagged material. On the face of that, on the west side of that way, there is one sign that says, trees and shrubs. It's approximately, I don't know, three by four? Something like that.

Ed Meehan: Okay, so you are still well under the maximum that is permitted in this zone district. The two I think important issues, and there is some documentation further on in the packet. This is across the street from a residential zone, is the brightness and how that can be mitigated or controlled. Mr. Woods mentioned electronic signs so there must be some method where that can be toned down if it becomes a glare problem, and then secondly the presentation of the message, the frequency of it. The regulations say no flashing, running or rotating signs shall be permitted, and you can see in my staff report, if this is going to be a fixed sign, as the example given, geraniums, you know, or orchids if it is during Easter season, whatever the message might be, I think the Commission needs to discuss this and have a clear understanding of what you are looking at here, and if it is approved, under what requirements the Commission wants to place on this. I think, several years ago, when Walgreen's came in with a similar type message board sign, I may have been lax, I think we gave you a good motion, but the motion didn't contain the parameters that we are now constantly talking to the management about at Walgreen's where the sign is sometimes is moving pretty quickly and the product announcement is flashing, and they have gotten better

with it, but without having that documentation in your motion, it's tough to really go back and try to enforce something. So I would just recommend to the Commission that as part of this discussion tonight with this presentation, the applicant has asked for a reader board controlled electronically, that the Commission clearly talk about what you feel is appropriate in this area, given a residential neighborhood across the street, because this is going to be a precedent I believe for this section of the regulations, as far as private business signage. We don't have in our regulations, other than a reference to time and temperature which is quite frequent, about every minute or two minutes, this language of no flashing, running, or rotating shall be permitted. That I believe is more of a methodology of the presentation versus a fixed sign that may change once a week, once every two weeks, once a weekend, again, what does the Commission want to put on the record, when you talk about this.

Donald Woods: Can I just say one thing? Regarding the brightness of the lights, I'm being told there is some means that the sign reader board has that adjusts itself automatically to brightness, so during the day it would be brighter, and then like at this time of year, as it gets darker earlier, it might get brighter, but it knows when it should be bright and it knows when it should be less bright. I'm not sure how it works, but that is what they tell me.

Chairman Pruet: What color lighting would it be?

Donald Woods: I believe it is called amber. We chose that color, number one I think it's more readable, and I think it is less offensive.

Chairman Pruet: Okay, Commissioner comments?

Commissioner Casasanta: I just have a question, what are the hours of operation, I should know this by now.

Donald Woods: Garden center hours are typically 8:00 to the latest we are ever there is 7:30 p.m. The only, well one exception. If we have a class sometimes in the winter time we might have an evening class and we would be there until 8:00, but that is very rare.

Chairman Pruet: Anyone else? Okay, thank you. Again, this is a public hearing. Anyone from the public wishing to speak in favor of this petition?

Tom Trumbull, 1615 Willard Avenue: I live directly across the street from Stonehedge. I've known Don for forty-five years. I know the way that he keeps his location, the location is always clean and neat. For business purposes, it's a beautiful building, and the sign is a nice sign. I have no problems with that sign. If you go on Willard Avenue, Willard Avenue is a state road and there are a lot of signs, there's businesses, there's condos, there are a whole array of signs up and with this sign being on Willard Avenue, across from my house, I have no problem with it.

Chairman Pruet: Thank you. Anybody else from the public? Okay, what's the feelings of the Commission, to move this forward? Okay, we're going to move this forward.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the agenda-each speaker limited to two minutes.)

Rose Lyons, 46 Elton Drive: I wasn't going to speak, but sitting here the question came across my mind that when you, and I know that you can't answer the question, but when you approve petitions with some restrictions, is there a follow-up a year from now, two years from now that your restrictions are upheld. I'm thinking about the presentation of Victory Gardens

last week, or the last meeting, and there were suggestions made about more trees being put in, and I know that when the Dunkin Donut went in over by West Hill Road I believe that there were certain restrictions and conditions and I was just wondering for my own curiosity who is responsible for following up on what the TPZ orders because I know that the Commissioners change from time to time. Thank you.

Ed Meehan: I can answer that. There are two types of requirements that the Commission can apply when they are acting on an application. The reference to Victory Gardens, that was an administrative decision by site plan approval so the requirements that the Commission set forth in its approval motion plus the additional favorable requirement for additional landscaping are all requirements that the applicant has to show on his site plan before the mylar is signed by the Chairman and recorded on the land records or in our engineering office. That is enforced through the site plan review process and the bonding process which we look at in conjunction with the certificate of use and occupancy. So it's like a check and balance before the Chairman signs it we want to make sure it is on the plan and the second check is the bond process and the issuance of the certificate of use and occupancy.

The other occasion where conditions are attached to approvals is, sometimes occur during the Special Exception, Special Permit process where Section 5.2 of the regulations permits this Commission, like all local Planning and Zoning Commissions to attach reasonable conditions to the special exception approval, and they have to be conditions that further the public health, safety and welfare. So it may be a condition related to public safety as far as traffic, it may be a recommendation that the Town Engineer makes in way of a condition as far as storm drainage, and then we have other specific standards in the regulations which the Commission can go to for length of a special exception, or the types of criteria, but you have to have a basis in your regulations to set specific conditions and the follow-up and enforcement of those are to the Planning and Zoning staff, myself and the Zoning Enforcement Officer.

Chairman Pruet: Thank you. As you can see, we have some very highly qualified people here to take care of that. Anybody else from the public wishing to speak?

IV. MINUTES

November 10, 2010 – Regular Meeting

Commissioner Schatz moved to accept the minutes of the November 10, 2010 Regular Meeting. The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: There is one item attached to your minutes as an addendum, under Communications and Reports. It's an 8-24 referral from the Town Council. These are two public sidewalk easements that have gone to the Town Council from the property owner of 100 Market Square which is Whiting Street Associates LLC, and also 122-136 Market Square which is Mr. Jay Amouruso. Both of these easements are for public use of sidewalks as part of the network of sidewalks that were built in relationship to Constitution Square. Mr. Amouruso's property was improved with sidewalks and in the past, prior to his ownership the town never had an easement in that area so up until the offer of this easement we had a gap for the last twenty, twenty-five years in the sidewalks in that area. That's over in the corner of the property, the southeast corner, Laundromat and a dog grooming business is at that location right now. Whiting Street Associates, their easement is for the new sidewalk that

comes in from Market Square, the driveway next to Steve's Place. It's a five foot driveway. If you've been out there, you see it's brick pavers. This will connect another connection to Market Square to the Constitution parking lot via the sidewalk, and that in a nutshell is what they are.

Chairman Pruet: Very good. Thank you. Any other reports?

Ed Meehan: No, if the Commission wishes to act on these later on in the evening, there is a draft motion I will pass out later.

VI. NEW BUSINESS

A. Petition 35-10 – 49 Fenn Road A Walk-In Medical Center, LLC applicant 365 Willard Avenue, Newington, Estate of Jeanette E. Koczera owner, contact Joseph Perugini, P.E. Weston and Sampson, 273 Dividend Road, Rocky Hill, CT request for Site Plan approval 1,800 square feet medical office, I Zone.

David Griffith: Good evening, I represent the petitioner, Walk-In Medical Center, LLC. The company is owned by Stuart Calle, Dr. Stuart Calle, he is with us tonight, as well as Alan Nafis who is our project engineer, and Robert Hurd, who is the architect. We are going to present evidence to you tonight showing compliance with the conditions required for site plan review and I'm going to speaking to you in particular in a moment about this piece of property being a legal non-conforming lot of record. A little bit by way of background, we are seeking approval so that Dr. Calle may construct a walk-in medical center on this site. He presently has a walk-in medical center located in Newington over on Willard Avenue. The hours of the walk in center are seven days a week, 8:00 a.m. until 8:00 p.m. and what he offers is a logical alternative to hospital emergency rooms. He deals with, or treats patients who have minor emergency treatments required. We are now seeking to have approval to build across, on the west side of Fenn Road, across the street from the Mobil station, down the road, down Fenn from the shopping center where Stop and Shop is the main anchor. This is a lot that is in the Industrial zone, and it complies with all of your zoning regulations and we will be presenting, through the engineer and the architect proof of that compliance. The minimum area for an Industrial Zone when building a non-residential building is 20,000 square feet. The square footage of this lot is 13, 900 plus. It is a non-conforming lot of record and if you have your mapping, you are going to see that we have a triangular shaped parcel, and that parcel was created back in, well, the first mapping was in 1948. In 1948 the Town of Newington put forth a plan to have Fenn Road going all the way over to West Hartford Road. Actually, in 1953 the present owner of the property, now deceased conveyed, doesn't show it completely on this map, but there is a map in the Town Clerk's office, a portion of the property along the frontage of Fenn Road, and also property to the south. At that time, this particular parcel was in the residential zone. As a matter of fact, until October 1, 1954 this zone was a residential zone. The minimum area for a residential building in that zone was at first 7500 square feet. It increased to 9800 square feet by the time this lot was created. So that, in 1948 or 1953 as the case may be there were no minimum requirements for a non-residential building. As a matter of fact, this was residential. October 1, 1954 it became an Industrial zone after the lot had been created. There are no, there were no minimum requirements for an Industrial zone until 1984. So clearly, this is a lot that was in existence prior to the creation of the Industrial Zone in this area of town, and the minimum lot area. Now there are a couple of other requirements in order to basically have you find a legally non-conforming lot. Besides the fact that it was created prior to the Zoning Regulations and the Zone actually created for that zone, must be shown on map or maps filed in the Town Clerk's office. There are at least two maps that are filed in the Town Clerk's office showing

this lot. There also is the deed from Jeanette Koczera who is the present owner of the property, to the Town of Newington in 1953 which in fact the left over portion of it was, is what created the lot. In addition, since that time there has been no adjacent property that could have merged into this piece. You will see, on the map that has been provided to you, that it is shown as excess land, State of Connecticut. I'm sure a lot of you remember the Central Connecticut Express way, Iwo Jima express way, and during that time, the state took a lot of property in order to build that, there was excess land, and that is really the land, most of the land that surrounds this piece. The lot does front on an accepted street, as we all know, it's Fenn Road and it is a lot, a non-conforming lot of record if it meets all of the rest of your requirements which as you will see, it does meet the requirements here, your frontage requirements, your side yard, your backyard requirements.

Now, in going forward and reviewing the site plan, you are required to review and take a look at certain conditions. Just as one of those conditions, the existing character of the neighborhood. This area is as follows, you have undeveloped land on the west side of Fenn Road, except for the piece that we are looking to develop. There is no plan that we know of from the State of Connecticut at this point, the State of Connecticut may be looking to sell some of that property some time in the future, but we know of no plans. Again, across the street, we have a fully developed area with the Mobil Station and the strip shopping center. I'm going to ask Alan Nafis, our engineer to address traffic, utilities, septic system, storm water system, signage, lighting, landscape, safe guards for the neighborhood and adjacent property, as well as the safe guards incorporated in the driveway and access design. Then Robert Hurd, our architect is going to address for you the building design and suitability to the site, so I'll ask Alan to come forward.

Alan Nafis: Good evening, Mr. Chairman, Members of the Commission, my name is Alan Nafis and I work for Weston and Sampson Engineers and we are the engineers on this particular project. Just to orient you to the plan, Dave mentioned how small a site it is, I think you can see by our little colored area, this is our lot here. North is up on the plan, Fenn Road is on the right side of the lot, the Mobil Gas Station is across the street on Fenn Road. We are about 300 feet from Ella Grasso Blvd. down to our entrance point right here, 300 feet down to there, pretty much opposite the driveway to the service station, the other driveway to the service station is right about here, and I believe that we are about another 200 or so feet, 250 feet or so down to the light that leads to the shopping center over here. It is an Industrial zone, and we do have a use as of right. Our proposal here is to put in an 1800 square foot building, 1200 of that building is going to be used for medical uses, as Dave mentioned earlier. The other 600 is going to be office space, possibly an accountant, an attorney, someone who needs a small office in there. To get in and out of this site, obviously we are coming off of Fenn Road. We know that we have to go back to the State for an encroachment permit to get on there, we know right up front, in my discussions with Ed and the staff, that we are asking only for a right in, right out, out of this site. We don't need any left turns to get in, and any left turns to get out. We are designing it in such a way to discourage that, we all know what happens when that goes on, but we will have the signage and what have you so our access will be controlled from the right only, you won't be crossing the road. Now as Dave mentioned, this is a small site, and to make it easier, it's basically on the side of a hill. The high point of the hill is right about here, we're going down on either side, and then we have Route 2, I'm sorry, Route 9. Because we have such tight site, because it's going down on a hill, because grading makes it a little bit difficult, we are cutting into this site, about ten or eleven feet, in the parking lot area maybe a little more back in this area to provide the drainage. Now we do have a request into the State for grading rights onto their land, they haven't done their full review right now, but we did get a letter back saying that typically they don't grant grading rights or easements. They would be willing to sell the property, we're not in a position to purchase the property. I haven't given up hope yet because we're really not in a situation where we are next to any of the highways, we're not

going to cut any roadways, maybe this will be one of the situations where they will let us do some grading. However, what we are showing on our plan now is a wall basically around the back, the back and north side of the site to make up for the grading to get into this hillside here. Everything fits with the wall, we can make it work, we prefer not to, but it does work out fine. We can get in the parking spaces we need, we need twelve parking spaces for the 1200 square foot medical and 600 square foot office. We got that in with one handicapped spot. So it basically does work, it fits, it meets the requirements in terms of getting in there but we do have to build a wall. The wall will be exposed about ten to eleven feet back in this area, and maybe eleven and a half feet over here, going down to zero here and basically going down to zero as it goes along the north side of the site. Utilities, we have all utilities in the street right now. We are going to be bringing gas from across the street, we'll be bringing water, domestic and fire from across the street. We have a utility pole that will be right in the middle of our green area here, well be taking off, at least we are anticipating right now taking off the phone, the electric communications from that pole, generally that is the utilities call. They may want to come off of this pole over here or whatever, but we anticipate that we will have that access that is available for us. As Dave briefly mentioned, we do have a septic system here. The nearest sanitary sewer system is down the road, if I could remember the name I would be very happy, probably about five or six hundred feet away.

Commission: Holly Drive.

Alan Nafis: Holly Drive, thank you very much. So we would be having to trench out into the Fenn Road right of way and then down Holly Drive to connect in, an expensive proposition. We have gone out there and done some soil testing. We didn't do the soil testing as deep as the septic system is going to be, but we also did some borings in that location and went down plenty deep, it looks like the same kind of soil, so we feel confident that we would have plenty of room to build that septic system and fit it in this area here, so we are going to handle our sanitary waste that way. Then storm drainage, basically you have a small system, a catch basin is going to pick up everything from the parking lot coming down. We have a couple of yard drains in the back picking up this small area here, we also have the roof drains going into the two yard drains. That will all get collected and put into an underground detention area. We are using infiltration trenches. We didn't design it that way, we designed it for detention assuming that nothing infiltrates, knowing that we have some fairly good soil out there, and we are going to have a septic system, so, we going to have this water that will recharge as well as clean out prior to it getting into the river or streams or the town/state system out there. Part of the underground system is also a septic sediment removal chamber, it's the first chamber that we have here as we remove the sediment. We do have some safeguards put into that.

Our waste disposal, we are going to have basically four normal size trash receptacles in the back of the building, accessed by a door of in the back and rolled out once a week regularly and emptied so that we don't have any trash containers or any need for any sealed or anything like that, it will be hidden behind the building and right in front of the wall. We do have landscaping throughout the area, a few trees in the front area, a landscaped area over here and some in the island. Actually, we were talking about putting some planters in the island and some lower shrubs and things in the front of the building there.

The lighting, what we are doing for lighting here, because we don't want any packs on the front of the building, we're putting two overhead lights for the parking area and this section of the building in here, they are going to be going on the top of the wall. We do have the detail in here for the hangover arm here. We are also proposing to put four floodlights to light up the front of the building from basically over here on this side of the sidewalk here, that way we will have the lights on the building itself so it can be seen, and we will have some wall packs on the back and the side for protection over here.

We are also proposing back here the pads for the air conditioning, the future generator and we have shown some posts here because he is thinking at some point in time probably trying to try solar electric back in that corner if we get enough sunlight out in that area there. The only other thing I want to talk about is that we are proposing a sign location. We are not here for sign approval, but we are proposing the sign location in the middle of the triangular green space here, coming in and out so it would be well seen coming in both directions. It's not an internal, I think we do have an example of it, but it's not an internally lit sign, we're proposing again, flood lights on each side of the sign to make it visible and again, it would be during work hours. I'm not sure it would be on after work hours, and that is what I was saying, we'd also, rather than planting permanent shrubs in here, we want to put some planters around the sign. We would have annual type of plantings. With that, I'm going to turn it over to the architect, Bob Hurd.

Robert Hurd: Thank you Alan. My name is Robert Hurd, I'm an architect. I have an office in Hartford, I practice under the name The Architect. The building that Dr. Calle envisions here is pretty simple brick veneer structure with a hip roof. The pitch on the roof is something like eight and twelve and at each end we are ventilating the attic space with copper half round ventilators and we are using a ridge vent along the main ridge of the building. The brick will come from the grade up to, you won't see any exposed concrete from the grade up to the underside of the frieze that is approximately thirty inches high with dental moldings just below the cornice. The overhang at the front and side will be approximately two feet at the rear because of setback constraints we are only a one foot overhang, but that is the one that is screened by the seventeen foot, I don't know how high, twelve foot retaining wall so that side of the building, at least for the immediate future will not be visible from the street. We are using precise concrete lintels over the windows on the three primary sides as well as a window on the north corner of the west wall. We will have aluminum glass store front entry. I think you have a copy of the plans, I didn't mount it, because there was no color on it, but there will be an entry vestibule and then the space will be subdivided with twelve hundred square feet more or less for Dr. Calle's offices on the north half of the building, or two thirds of the building, and then the six hundred square feet of the rental space on the south side of the building. The height of the cornice is about eleven foot three inches, we are going to have the structure at twelve feet, we're going to have the ceiling height at about nine feet inside for the air conditioning duct work and mechanical devices that we have to put between the ceiling and the underside of the roof. We will have a basement where the furnace rooms will be located and have some storage for the tenants but again, that's going to be below grade and not visible from any point on the site. The three white blocks on the back of the building are the wall packs or wall mounted light fixtures that Alan was talking about, and there is one on the south face to kind of illuminate the area where the two condensing units and potentially a generator will go in the future. Those mechanical units will be screened by some of the plant materials that Alan was talking about. At the corners, there are brick coins that are expressed about an inch off of the face of the rest of the brick so there is some texture, otherwise it's a fairly straight forward structure. The color you see there is an attempt to render that color brick, a pretty straight forward colonial brick and the shingle that we have chosen is a thing called Williamsburg slate which is this here, where my finger is. Has little flecks of red in it, which play off of the brick and makes it a little bit more attractive than a strictly black, like this. Any questions, I'll be happy to answer them.

Chairman Pruet: Okay, thank you. Staff concerns, Ed?

Ed Meehan: We've been meeting with the applicant and his professional team on this for a couple of months it seems, and we have just seen these revised plans which came in late Friday afternoon, so the Town Engineer was out part of the day, so he didn't see this rendition with the retaining wall yet. We just learned last week that there was an issue with

the off site grading, which would make this project a lot easier if that was something they could do. We are encouraging that the roadway entrance be set up as it is shown here, with a right in and right out. This will have to go to District One, they will have the final say. This is a very busy area, at one time the Department of Transportation had talked about a median down this section of Fenn Road because of the high accident count, from Holly down to Stop and Shop's driveway, particularly if people do try to take left turns in and out of the Mobile Station. That is something we advised Dr. Calle about, so he is aware of it, so right in, right out would work here. I think what I would recommend to the Commission is that if you keep this under New Business at least through your December meeting so staff could have some time to look at these revised plans. This, myself, looking at them quickly today, it looks like the parking meets the requirements, the handicapped space is okay, the building meets the side yard setbacks, and the architectural questions, any signage, any walls signs as far as the sign band?

Robert Hurd: No building mounted signs, just the one free standing ground sign.

Ed Meehan: When that comes in later on, we have to make sure that it doesn't block again sight lines looking left for people who are, who want to leave this site. That and any landscape features in the way would be important to avoid. They have to bring water across Fenn Road. That would be a construction issue that they will have to deal with, again with the District and Traffic Control at that time. The comment on Attorney Griffith's reports, I agree with his conclusion, a lot of research went into this. It was kind of interesting as David explained, we went back through some of the old zoning maps and the history of Barbour Road is involved in this piece, all kinds of work that the Planning Commission did back in the '50's. There was never any minimum lot standard in the Industrial Zone, until the town adopted site plan review requirements back in, when the first comprehensive re-write of the zoning regulations in '84 so, in that respect, it's pre-existing legal non-conforming lot, both because it was previous, 1928 it started out as residential and then later it became M-1 and then later Industrial so even though it has been lost in the woods there all these years, it is a legal non-conforming lot. The last comment I would make, just so that we can talk about it at staff level, I know that Dr. Calle has some pictures of a building that he may have shared with his architect and we had talked about some sort of gable or some sort of accent over the door, and this is just a subjective thing, to call out where the door is so it is not just a plain roof. That is something that I would suggest that the Commission consider and maybe the applicant consider, to pull that entrance out for a better presentation. I think, the drainage we looked at quite a bit, the grading we will have to look at again, I mean, a ten or eleven foot wall behind a low building like this, something we want to look at carefully, make sure they can get around the back where they have an area for a sidewalk and access through the back, but we'll have a little bit more time to look at it.

Chairman Pruet: Yeah, I hope you can get that grading from the State of Connecticut to make it more attractive, for them to see it, and easier for you go forward. Commissioner comments?

Commissioner Hall: I just have a couple of questions? The parking is to the north?

Alan Nafis: Yes.

Commissioner Hall: And that is where the septic system is?

Alan Nafis: Yes.

Commissioner Hall: And you are going to put black top on top of that?

Alan Nafis: Yes.

Commissioner Hall: Okay, and there is a stream not too far from there, so your primary....

Alan Nafis: The stream is actually down here.

Commissioner Hall: It doesn't run.....

Alan Nafis: Well, there is a swale back here, when they built Route 9 and they kind of, some of the swale goes that way, some of goes back to the stream that is down here, but I don't believe that there is any stream back there any more. There was at one time.

Commissioner Hall: So that wouldn't be an issue with the septic system that you have enough drainage?

Alan Nafis: It meets all of the requirements.

Commissioner Hall: I think you mentioned trash containers. There won't be a dumpster here?

Alan Nafis: No.

Commissioner Hall: So does that mean he is going to roll them out to the street and have the town pick it up, or how are they doing to do that?

Alan Nafis: Well, I don't know that the Town would pick it up, I believe it would be a private contractor. They would roll it out....

Commissioner Hall: So it would be the regular bins that we have, on wheels?

Alan Nafis: It's going to be the regular bins, yes.

Robert Hurd: We envision one for trash, one for recycling for each of the two tenants, four and a half feet high, thirty inches square.

Ed Meehan: Commercial property has to make their own arrangements.

Commissioner Hall: And my other concern would be with the utilities across the road. I mean, I just envision that, no matter what time of day you go down there, and you are going to be stopping traffic, and there is really no other way to get around Fenn Road unless you take them off and make them go down Willard Avenue while they are doing it.

Ed Meehan: That is a construction issue that they will have to work out with traffic control and have the contractor get Newington PD involved.

Commissioner Hall: I know, I know.

Ed Meehan: It can be done, but it's tough.

Chairman Pruett: Any other Commission comments?

Commissioner Pane: I'd like to, maybe for the next meeting they could explain a little bit more about the wall construction? What that is going to be made of? What it is going to look

like and whether there is enough room on the top of the wall for any plantings and there have been some discrepancies in the height of the wall, if we could get that cleared by the next meeting?

Alan Nafis: I can clarify the height right now. I think when he was referring to seventeen feet he was taking it down to the bottom of the footings. The highest part of that wall is back in this corner here, and I believe it is twelve and a half feet here, down to eleven, just under eleven here, and it's maybe eleven and a half at that point there.

Commissioner Pane: Okay.

Alan Nafis: I'll get the other information.....

Commissioner Pane: Yeah, if we could find out how it is going to be constructed, if it's just a concrete wall, what it is going to look like, if there is going to be maybe some moldings so it is going to look, if it's going to be free formed, what it is going to look like. Then if there is any room on the top for plantings and then, is there lighting in the parking lot, are there standards?

Alan Nafis: We've got one here, and one here.

Commissioner Pane: Okay, and then the last question will be, on the east elevation, which is the front elevation, I see the front door is there, and it is centered in the building, but you plan on having two different tenants in there and one tenant is taking three quarters of the space, and one is taking less, how are you managing that?

Robert Hurd: We have, I thought you had a floor plan, it is basically a vestibule here, and a corridor along, on this window to the tenant space, which is just about here. This space opens into the vestibule and wraps around behind it, and there is a division here with stairs to the basement, shared by the two tenants.

Commissioner Pane: Okay, are they going to be separate utilities for the two tenants?

Robert Hurd: I think most of the utilities will be separately metered. I'm not so sure about the water, what MDC wants, but.....

Commissioner Pane: Usually the water is not, but CL&P has got to be separate.....

Robert Hurd: Yes, that will be separately metered.

Commissioner Pane: And the gas, are you going to bring two gas lines in?

Robert Hurd: Either one gas line and split it, or two gas lines, it will be separately metered.

Commissioner Pane: Okay, thank you very much.

Commissioner Anest: I have a couple of things. I'm concerned about the curb cuts, getting in, and the egress, because I know we have problems in areas in town where people try to make the illegal turns in, and hold up traffic and there are accidents. Is there any way that they can make that center island more so there is no way, if you are going north on Fenn, you cannot at all make a turn left into it, and the same thing coming left out of there.

Ed Meehan: With a passenger vehicle, you can turn a vehicle in a five foot radius, so if someone is really intent on getting in there, they are going to make that left turn. We asked them, I'll call it, to soften up the left turn out because originally it was a tighter radius and the vehicle had to come out more and may have crossed over the inside lane, and got into the middle lane, which is a dangerous situation. That little green island in the middle, District One will look at that and they may make it a little bit tighter but we have to recognize that there may be service vehicles that have to get in here and so I think what my answer would be is that I wouldn't want to spend a lot of time trying to design this and then bring it done to District One and then have them re-design it on the applicant. You can go around with this, but everything should be concrete curbed which does discourage people sometimes from trying to ride over the curbing, and it is better maintenance that way. Originally the driveway in was a little bit different, may have been a little further north, I've seen two or three different renditions of this, but it's pretty hard to discourage the guys that take the illegal left. Even if we put signage on there, you know, you will probably have Do Not Exit signage on this, Fenn Road is too wide I believe to have signage across the street, saying Right Turn Only out of here, because people are never going to see it with the number of vehicles coming by here. There is no opportunity in this plan for sidewalks. At one time the Department of Transportation and CCSU and the Town had talked about possibly extending sidewalks on the west side of Fenn Road. That becomes impractical as you go further south, because of the drop off in the topography, and it's not necessarily an area where we want to encourage students to cross anyway. We would prefer that they cross at Holly Drive, or not cross at all, really. It's a very busy road, so we didn't ask the applicant to show any sidewalks in that area. That may be something that the Department of Transportation will look at. There is probably enough room between the curb and the property line for a sidewalk, and you have to keep in mind snow shelves in this area too, because you are plowing two lanes, and a little further south, if the busway goes through, and the new traffic signal is brought in, it could go to a storage lane further south and you would be plowing through three lanes now, they have to have room for snow. That's a long answer to your questions.

Commissioner Anest: No, that's fine. I just know the situations that we have in other places in town.

Ed Meehan: Down the street.

Commissioner Anest: Exactly, and by Starbucks, and I've seen numerous fender benders there. Regarding the building, I just want to go off on what Ed said. Is there something that you can do to kind of emphasis the front door, and kind of jazz it up a little bit?

Robert Hurd: It's a small bulding, we don't want to get too pretty or prissy.

Commissioner Anest: I don't want prissy, but.....

Robert Hurd: Dr. Calle is willing to look at some of these things, but we tried a couple of options and they didn't work. We can look at it again.

Commissioner Pane: Do we have on record how many employees they are going to have there? If not, if we could have that for the next meeting, how many employees are going to be there, and then our Town Planner is going to do a parking evaluation on it? I don't know if he did yet.

Ed Meehan: I did do an evaluation on it, and they do meet the, the twelve spaces meets the requirements. Seven spaces per thousand for medical office, six per thousand for general

business office, so they are right, that is 8.4 for the medical and 3.6 for the general office use, so they meet that standard.

Chairman Pruet: Okay, we are going to keep this petition open and will come back at our next meeting, and listen some more.

VII. OLD BUSINESS

A. Discussion of possible Zone Amendments for consideration, continued from November 10, 2010 Regular Meeting.

- 1. Section 3.15.4 DriveThrough Restaurant by Special Exception.**
- 2. Section 6.2.1 (f) Signs Temporary Permit.**
- 3. 2020 POCD – Strategies for Zone Regulation Consideration.**
- 4. Auto Related Uses Section 3.11.3 and Section 6.11.**

Chairman Pruet: In Section A, we have the discussion of possible Zone Amendments for consideration, I believed we discussed in depth, number one, Drive Through Restaurants by Special Exception, and number two, the section for Signs under Temporary Permit. Do any of the Commissioners have any questions on that? Ed, I believe we are going forward on CCROG on those?

Ed Meehan: Right. Those two items I sent to CCROG for their advisory opinion. We usually give them thirty, thirty-five days by statute, so in the announcement to the regional planning agencies we said we are going to set the public hearing for your first meeting in January.

Chairman Pruet: Okay, any questions?

Commissioner Schatz: On the temporary signs, everyone else has to go and get a permit except for the political people. That bothers me, personally, and I don't see why, if you let one, or several groups do it, why they the other people have to have permits. I know why, but it doesn't seem fair.

Chairman Pruet: Okay. Any other comments or concerns? On the 2020 Plan, Ed, could you fill us in on what you have.

Ed Meehan: At your previous meeting, I prepared for the Commission, I'll call them your natural resource and environmental suggested amendments. Principally they had to do with erosion control measures for the single lots that don't go through full site plan review, as well as new standards to regulate fifteen percent slopes for development through site plan review which is not in the regulations right now, and also for the calculation of site density which is not in the regulations now. Both of those are strategies in your Plan of Conservation and Development. I also have on the table tonight for you another Plan of Development strategy which has to do with earth removal, natural bedrock exposures. With putting that in the site plan review section so that developer through his engineer shows that on the proposed plan, and then in the standards section, where the Commission had the opportunity to require that natural bedrock areas be left undisturbed. In the earth removal section the proposed re-write is to clarify that we want both existing and proposed grade, maintaining after site removal of earth products a two to one slope, terracing it, and then ground cover for stabilization. I suggested that we put in that section also the Commission's review of rock faces and rock exposure. Another thing that I have suggested there for the Commission's consideration is to limit the earth removal to fifty feet from a property line rather than twenty. Twenty is really not very much, when you begin to excavate property and you try to create a terrace or a shelf or

a grade and I think the key example of that we saw is the new Dunkin Donuts over on the Berlin Turnpike. I know that site was I'll call it chewed up and a lot of rock was removed I guess when Wendy's was built many, many years ago, but even some of the work that was done I think it got too close to the adjacent property to the north, and through the site plan process the Commission was able to have some material put back and they terraced and shelved it with an embankment, and they have landscaped it, so the barren rock has been softened a little bit, but that area I think is something you want to try to avoid if you can.

Chairman Pruet: Any Commissioner comments on what Ed just elaborated on? I recommend that we take a good look at this for next meeting, we can discuss it further. This is a recent handout for tonight.

Ed Meehan: Yes, it's a handout for tonight, and another important one, that Domenic called to my attention, it's a good one, Section 1.8 in the, Called the Principles and Purpose of your regulations to make sure that we reflect the new Plan of Conservation and Development which ties a lot of your land use changes and your zoning changes back to the strategy in the Plan.

Chairman Pruet: Okay, again, I don't expect everybody to read this tonight, and comment on it, but you can review it and we can continue on at our next meeting. Thanks Ed, good job preparing that. Any questions right now on this? Okay. Moving forward, Auto Related Uses, Section 3.11.3 and Section 6.11.

Commissioner Pane: Excuse me Mr. Chairman, on the Auto Related Uses, I've decided to recuse myself from this section. I thought about it, and I have some of those types of uses in my building, so after thinking about it, I think it would be the best thing. Thank you.

Chairman Pruet: Okay, as we discussed last time, I asked everybody to take a good look at this, review it to the best of your ability, and we need everybody's input on this. It's an important piece. A lot of work went into it, and having said that, I'll open it up for discussion for anyone who would like to lead off on this. I will be calling on everybody, I would like to get their opinions on it, if somebody would like to start it off, it would be great.

Commissioner Schatz: The businesses that are out there now, they are actually non-conforming, right? And anything that we pass here, they will still be non-conforming. I read this thing, and I'm looking for where it says, you know, if you have a company that has been in business ten years, why would they be non-conforming? We're friendly to business, I hope. That is the only stickler that I could see. I don't want to vote on something that is going to jeopardize someone, like we said, if the building burns down, I understand you can put it back up, I understand that, but I don't understand how a business can be somewhere for twenty-five or thirty years and not be conforming.

Chairman Pruet: We're going to be looking at non-conforming.....

Commissioner Schatz: Are we?

Chairman Pruet: Yes, we are, and I think Ed had something for us for discussion on that.

Ed Meehan: It was in the packet for tonight and you wouldn't have had a chance to look at it. I did a survey of the area towns, to look at to see if they had the same criteria that Newington has about the fifty percent replacement value, and Glastonbury, Rocky Hill, Berlin, Farmington, they don't have that requirement. It's a pretty strict requirement, so the language that I'm suggesting is that you just take that whole criteria out. So it makes it simpler.

Chairman Pruet: Okay, I'm interested in further Commissioner comments.

Commissioner Casasanta: I've been doing a lot of thinking about this, and I'm looking back at page thirty-eight in the Plan of Conservation and Development....

Chairman Pruet: What page is that Mike?

Commissioner Casasanta: Page thirty-eight, item number fifteen under the Berlin Turnpike Business areas, where it says we should be discouraging entertainment uses, trucking, construction yards, auto related uses and self storage facilities. Maybe it is just my personal opinion that if we change this to permit it in any way we would be going against that part of the Plan of Conservation and Development so I'm kind of like leaning towards leaving it just the way it is.

Chairman Pruet: Okay, thank you for your comment. Further Commissioner comments?

Commissioner Hall: At this point, I'm happy with it the way that it is because we can continue to regulate it in the Industrial Zone by special permit. It isn't that we aren't going to allow it anywhere, it still can be addressed, if need be. At this point, I don't feel comfortable changing it, I'd just as soon go with number one, which is to do nothing at this time.

Chairman Pruet: Thank you. Michelle, do you have any concerns?

Commissioner Camerota: I tend to agree with Cathy because of the way that we have regulated, because of what it says in the Plan of Conservation and Development, which we spent a long time on, and I remember specifically discussing this section several times. I'd be inclined to leave it alone. I like the idea of being able to deal with the non-conforming use issue, the fifty percent seemed unfair, and I would hate to see anyone who has been here that we encouraged to come here, burned down, and not be able to reconstruct. That's where I am at this point. I just have a lot of concerns about having more and more auto related uses on the Berlin Turnpike and not being able to regulate the number, the type, there were some good suggestions in here, but I just have a concern about adding more and more to the Berlin Turnpike.

Commissioner Anest: I'm just going to reiterate what I said the last meeting regarding our Plan of Development that Mike brought up which was my concern at our last meeting, that we spent many meetings going over this and hashing over this, so at this point, I'm leaning towards number one, doing nothing. As Cathy said, and Michelle said, we can regulate it in our Industrial Zone, and that's where I'm falling right now.

Chairman Pruet: Thank you. Frank, do you have any comments or concerns?

Commissioner Aieta: No.

Chairman Pruet: David?

Commissioner Lenares: My initial thought was, I didn't really think about doing nothing with the situation. It's a little bit more apparent now than it was before. My initial concern was that the fifty percent clause that was taken out, and I do like that, you do have some sort of leniency now that that is out of there. I'm not sold either way. I don't think by regulating how many auto related uses on the turnpike is a good thing, I don't think it is my job to decide how many should be one there. I don't think we should be so concerned with how many versus if

they are in compliance and I think we should be regulating compliance rather than quantity. It's a tough job there.

Chairman Pruet: Thank you. Any further comments from staff?

Ed Meehan: No, this is a policy decision, it's a zone amendment. We've got sort of a menu of options there, and I think it's up to you guys what you want to do.

Chairman Pruet: Okay.

Commissioner Schatz: Through the Chairman to Ed, if something is changed, whatever, does that affect the Hunter Corporation at all?

Ed Meehan: No, it doesn't affect their approved gas station. They are one of the sites that was approved before this was taken out of the regulations, and there are a couple of other sites also.

Chairman Pruet: The one on Hartford Avenue.

Ed Meehan: That's correct.

Chairman Pruet: And I think there is one more?

Ed Meehan: There's, well, Jiffy-Lube could come back in, and the re-construction of the A-1 gas station at West Hill Road.

Chairman Pruet: Okay. Any further comments anyone wishes to make on this? I thank you for your comments.

B. Public comments related to above possible zone amendments.

Chairman Pruet: At this time, we will entertain public comments related to this, under zone amendments. Anyone from the public wishing to speak on this?

**VIII. PETITIONS FOR SCHEDULING (TPZ December 8, 2010 and January 12, 2011.)
(For items not listed on agenda)**

Ed Meehan: I've got one that didn't get on the agenda, it came in late. It's for a fitness health club on Market Square, a small operation, sort of a personnel trainer, and because it is a place of recreation and assembly it needs to be presented to the Commission, so I suggest that you do that on December 8th. It's the floor space next to Newington Pizza. I think it's only about eight or nine hundred square feet.

IX. REMARKS BY COMMISSIONERS

Chairman Pruet: Anyone have any remarks they would like to make?

Commissioner Pane: Mr. Chairman, in light of recent newspaper articles, editorials and Town Council comments I feel I must clarify some statements made. I didn't know that the TPZ discussing street vendors would become the Domenic Pane hates business issue, but obviously some people have not followed our meetings and took an article written in the New Britain Herald by one of the interns as fact. Mr. Bowen, Mr. Gerhart, Mr. Lenares, and our Town Manager, if they had read the minutes they would have read in the July 28th meeting

minutes that Mr. Meehan has been following this issue since 1994. At that time, suggested prohibiting vendors which he also states in a September 22nd minutes, which I quote "I have something in mind. A position that I have suggested for many years, I don't know if the Commission supports this, but I'll pass it around. It's basically prohibiting street vending." Now how did this get twisted around and become Mr. Pane harassing vendors? If Mr. Gerhart who is a member of the Economic Development Committee and on an advisory committee had read the minutes instead of just an article he would have seen this. Failing to read the minutes before making unfounded accusations is disgusting. Ignorance of the minutes is no excuse. In the July 28, 2010 TPZ meeting a discussion with the Town Manager is mentioned by Commissioner Aieta, and I quote, "I approached the Town Manager, I asked him if he would go down and take a look at it which he did, and he reported back to me and he said, Frank, you're right, it's definitely a safety hazard." At the last Council meeting Mr. Salomone failed to mention this conversation. As this has happened over the summer and Mr. Salomone has not disputed the remarks by now, I must assume that they are true. At the Town Council meeting Mr. Salomone insinuated that I didn't follow the proper procedure. Well, I saw a safety issue, I reported it, who the Police Department sent to look at this matter was not dictated by me, as Mr. Salomone implied. In the September 22nd minutes I stated, and I quote, "you could treat the two existing ones as a grandfather clause," then I state, "I think that would be a fairer thing to do." When you read all of the minutes, and thank God our minutes are verbatim, you will not find any motive, conflict of interest, harassment, attempts to sway the Commission. The only thing going on is a smear campaign brought on by the article written and a forum given to someone with an axe to grind. I guess our political candidates for next fall's election are already starting their engines and playing politics and politics has no place in the Town Planning and Zoning Commission. This was and always will be a safety issue. There were people standing in the road, in the moving traffic lane for a hot dog. The parking of the cart was not the same as serving in the public roadway. After researching many cities and towns, no one allows service windows in the roadway, and it is our job to look at different safety areas in town, and whether or not they are a problem. I would just like to go on the record tonight to say that we have a really big safety problem in the front of this Town Hall between the Town Hall and the Library. The library doesn't have any permanent parking area, there are people backing up all the way down, something has to be done. It's got to be a high priority to get some sort of parking for the library that is separate from the town hall. Thank you Mr. Chairman.

Chairman Pruett: Thank you. Further remarks by Commissioners?

X. STAFF REPORT

Ed Meehan: I can report, and I think Mr. Pane's comment about the library/town hall parking is appropriate, that the Town Manager about a month ago, maybe a little bit longer, requested the Town Engineer to begin surveying of that parking lot. We had talked about in concept a relief driveway at the end of the library parking so that as people get in there and the spaces are occupied, they are not backing up, which is not safe. So the engineer staff has come up with a conceptual plan, there's a little difference in grade that we need to work on, and adjust, but it could be a quick fix. We're going to jump on it right away and we can do it without causing loss to any of the light standards or the trees over there. It is something that needs to be addressed. Further out, longer range, the Town Council did put money aside for a site plan and we've been talking with Bob Corpack of the facilities staff about a master concept site plan which the Plan of Development talks about, some sort of a parking, traffic arrangement to work with the Garfield Street parking lot and the demand for more parking that we see quite frequently, when you have meetings, and something else is going on, so the public can get in here safely. That is something that the Town Manager is having his staff work on. That's all I have to report. I do have a suggested motion, if the Commission

wants to talk about the two easements on Market Square so you can report back to the Council, if you want to do it tonight, or the next meeting, it's up to you.

Chairman Pruet: Do you want to entertain a motion to move that to Old Business. The motion was made by Commissioner Casasanta and seconded by Commissioner Anest.

8-24 Referral Report
Public Sidewalk Easements
100 Market Square
122-136 Market Square.

Commissioner Casasanta moved that the Commission report to the Town Council their favorable support for acceptance of public sidewalk easements from the owner of 122-136 Market Square, Mr. Jay C. Amoruso, and the owner of 100 Market, Whiting Street Associates, LLC.

The Commission finds that both easements will improve public access for pedestrians using the "Constitution Square" parking lot and is consistent with the 2020 POCD Plan of Conservation and Development Town Center Strategy #18 which recommends "walkways from Town parking lot to adjacent streets."

The motion was seconded by Commissioner Camerota.

Commissioner Schatz: On the staff report, it says the town is going to do the maintenance of that area?

Ed Meehan: Right.

Commissioner Schatz: That doesn't include snow shoving though, right?

Ed Meehan: Yes it does.

Commissioner Schatz: It does! Wow!

Ed Meehan: Unfortunately that was a precedent that was set I think in '80, '81.

The vote was unanimously in favor of the motion, with seven voting YES.

XI. PUBLIC PARTICIPATION

None.

XII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: I will not be able to make our last meeting of the year, I have a little procedure that I booked six months ago and unfortunately I won't be able to make it. I want to wish everyone a Happy Thanksgiving, and also the upcoming holidays, have a joyous and safe holiday and I want to thank all of the Commissioners for their support by being active and making this a productive Commission and also thank you Newington TV for being on board, and Michael, you do a great job back there.

XIII. ADJOURNMENT

Commissioner Anest moved to adjourn the meeting. The motion was seconded by Commissioner Camerota. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary